

Court of Appeals, State of Michigan

ORDER

Bernard Watts v Northern Straits Management Company

Docket No. 267503

LC No. 03-007255-NO

Christopher M. Murray
Presiding Judge

Kathleen Jansen

Pat M. Donofrio
Judges

The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED. Upon review of the trial court's December 8, 2005 Opinion and Order, the trial court concluded that material factual issues existed as to whether defendants Nevil's and Brown's conduct exhibited a substantial lack of concern for whether an injury would result. *Newton v State Police*, 263 Mich App 251, 257-259; 688 NW2d 94 (2004). We are required to follow *Newton*. MCR 7.215(J)(1). The trial court did not determine whether the individual defendant's action constituted the proximate cause of the injury.

Judge Jansen, under MCR 7.203(F)(2), would DENY the motion for reconsideration.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 23 2006

Date

Sandra Schultz Mengel
Chief Clerk